

REMARKS

Turning first to paragraph 6 of the Office action, claims 1-6 stand rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 6,151,536 to Arnold et al (“Arnold”). In response, independent claims 1 and 3 have been amended to recite a memory device carrying instructions which, when executed, perform a method comprising displaying on a numeric, shelf-level display a number that is the number of different items which are carried by the shelf and which are on the list of items to be located. Support for the amendment may be found, for example, at paragraph [0036]. As stated in paragraph [0036], if one item is located on that shelf, the alpha numeric display 48 flashes the number “one”. If two items are located, the display flashes the number “two”, etc. Thus, if a healthcare worker is looking for Tylenol and ibuprofen, and both of those items are located on the same shelf, the shelf-level display associated with that shelf will display the number two, indicating that two different items to be located are carried by the shelf associated with the shelf-level display.

In contrast, in Arnold, there is no shelf-level numeric display nor is there any display that is operative to display a number that is the number of different items to be located which are carried by the shelf associated with the display. For example, as discussed at column 9, beginning at line 26, “adjacent each of item buttons 86 is a visual indicator 88 to assist the caregiver in locating a particular item. Alternatively, item buttons 86 may be configured to illuminate, thereby eliminating the need for visual indicators 88.” Because Arnold contains no teaching or suggestion of the missing limitation, it is respectfully requested that the rejection of claims 1 and 3 under 35 U.S.C. §103(a) in view of Arnold be withdrawn.

Independent claims 4 and 6 have been amended to recite that “substantive information” is displayed for the identified item. The purpose of identifying the information as “substantive” is for the purpose of distinguishing over the illumination of an indicator adjacent an item. That change is also made to further define over Arnold which discloses in column 7, next to last paragraph, in which a written description of the location of medication is provided. In contrast, in the present invention, as set forth in paragraph [0041] there are numerous types of information

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which can be provided in the context of medications, such as drug interaction information, contraindications, typical dosing information, and other information dealing with substantive aspects of the medication, as opposed to its mere location. In view of the amendment of independent claims 4 and 6, it is respectfully submitted that the rejection of claims 4 and 6 under 35 U.S.C. §103(a) in view of Arnold be withdrawn.

Turning now to paragraph 4 of the Office action, claims 1-6 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,636,718 to Haitin et al ("Haitin"). The portion of Haitin cited by the Examiner does not stand for the proposition of displaying on a numeric, shelf-level display a number that is the number of different items which are carried by the shelf associated with the shelf-level display and which are on a list of items to be located. Accordingly, it is respectfully submitted that the rejection of claims 1 and 3 under 35 U.S.C. §102(e) as being anticipated by Haitin should be withdrawn.

Furthermore, with respect to independent claims 4 and 6, it is respectfully submitted that the type of information disclosed by Haitin, for example, in the paragraph bridging column 6 and 7, is patient specific or cabinet specific information such as current inventories, patient vital signs, etc. There is no disclosure of providing in a query mode substantive information about a medication such as drug interaction, contraindications, typical dosing information, or other pharmaceutical information. Accordingly, it is respectfully submitted that the rejection of claims 1-6 under 35 U.S.C. 102(e) as being anticipated by Haitin be withdrawn.

New claims 7 – 11 have been added to cover certain subject matter cancelled from various of the independent claims. No new matter has been added.

Applicants note the co-pendency of two related applications: U.S. application serial number 10/706,548 entitled Method of Operating a Dispensing Cabinet and U.S. application serial number 10/010,387 entitled Method of Operating a Dispensing Cabinet. Office actions have been issued in connection with both of those applications. However, applicants note that the Office actions issued in the two related applications have been issued by the same examiner responsible for the instant application. It is therefore applicants position that the examiner is

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aware of the art relied upon in each of the related applications as well as the grounds of rejection in those applications such that the art and grounds of rejection need not be repeated here.

Finally, applicants note that an information disclosure statement was filed at the time the application was filed. The examiner is respectfully requested to initial the left hand column next to those references listed on Form PTO/SB/08A which have been considered.

Applicants have made a diligent effort to place the instant application in condition for allowance. Accordingly, a notice of allowance for claims 1-11 is respectfully requested. If the examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the examiner is respectfully requested to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,



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